

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of

SERVICIOS AÉREOS ACROSS, S.A. de C.V.

for an exemption from 49 U.S.C. § 41301
(U.S./Mexico Charter Air Transportation)

Docket DOT-OST-2013-0132

APPLICATION OF
SERVICIOS AÉREOS ACROSS, S.A. de C.V.
FOR RENEWAL OF EXEMPTION

Communications concerning this document may be served upon:

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December 3, 2021

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Pursuant to 49 U.S.C. § 40109 and Subpart C of the Department's Rules of Practice, Servicios Aéreos Across, S.A. de C.V. ("Across"), hereby applies for renewal of its exemption from 49 U.S.C. § 41301, which grants Across the full scope of passenger charter rights available under the Air Transport Agreement between the United States and Mexico signed on December 18, 2015. Across specifically seeks renewal of its authority to conduct passenger charter operations, using small aircraft, in foreign air transportation between any point or points in Mexico and any point or points in the U.S.; and from a point or points in Mexico, via an intermediate point or points, to any point or points in the U.S., and beyond, as mutually agreed in writing by the U.S. DOT and the former Mexican Dirección General de Aeronáutica Civil, provided that such service constitutes part of a continuous operation, with or without a change of aircraft, that includes service to Mexico for the purpose of carrying local traffic between Mexico and the U.S. Across also seeks renewal of its authority to conduct other passenger charter operations to and from the U.S., such as seventh-freedom

passenger charter operations, subject to the prior approval requirements set forth in 14 C.F.R. Part 212.

Across requests that the Department renew this exemption for a period of at least two years. Across invokes the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. §558(c), as implemented by 14 C.F.R. Part 377, to maintain its exemption authority in effect pending a Department determination on this Application.^{1/}

In support of this application, Across states as follows:

1. Across continues to be financially fit, and is willing and able to provide charter passenger services using small aircraft. Across reports that there have been no changes in its corporate address during the past two years, and the company incorporates by reference the information previously submitted in this docket. An updated Certificate of Insurance (OST Form 6411) for Across' aircraft has been filed with the FAA.

2. Across currently operates twenty-one (21) XA-registered executive jet aircraft which range in size from four (4) to eighteen (18) passenger seats.

3. Across' key personnel have the following changes and additions:

a. Javier González Torres is Across' COO. Mr. González has over twenty-five years' experience in executive aviation, including operations, negotiations, acquisitions, timeshare programs, and aircraft maintenance. Before joining Across, Mr. González was Commercial Director of Grupo Leonardo (formerly Agusta Helicopters) for Mexico,

^{1/} The Department last granted the above authority to Across pursuant to a Notice of Action Taken issued in this Docket on December 05, 2019, effective through December 5, 2021.

Central America and the Caribbean. He also served as General Manager for Asertec for more than thirteen years and as Operations Manager of Grupo Vitro. Mr. González holds a bachelor's degree in marketing from San Diego State University and a diploma in senior management; he also holds a U.S. commercial helicopter license.

b. Rodolfo Landaverde Cunillé is Across' CFO. Mr. Landaverde holds an MBA from Universidad Anáhuac and a degree in business administration from Universidad Iberoamericana. Before joining Across in 2016 as Business Manager, Mr. Landaverde worked for 3M, Grupo Flecha Roja, and Grupo Valle del Mezquital.

c. Ing. Hugo Flores Rodríguez is Across' Maintenance Manager. Ing. Flores received a degree in Aeronautical Engineering from the Higher School of Mechanical and Electric Engineering in 2003, and he is currently pursuing an MBA from the Higher School of Commerce and Administration. He has over 35 years experience and 9,300 flight hours operating Cessna, Learjet 20, and Learjet 60 aircraft. Before joining Across, Ing. Flores worked for Centro de Servicio Avemex, VivaAerobus, Mexicana MRO, Servicio Tecnico Aereo de Mexico.

d. Across is in the process of filling its COO position, currently vacant.

None of these individuals are related by blood or marriage, and they are all citizens and residents of Mexico.

4. Across' Mexican authority to engage in transborder charter passenger service remains in full force and effect. Across' international commercial authority (TAI) has been amended to reflect changes to its fleet. See Exhibit A for a copy of Across' current TAI and Exhibit B for a copy of Across' current Air Operator's Certificate (AOC).

5. Information regarding Across' ownership is set forth in Exhibit C.

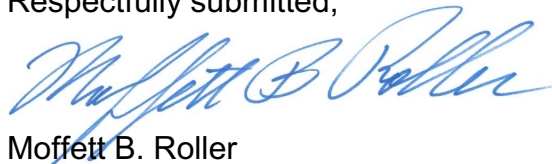
6. Across' renewal application is limited in scope and non-controversial.

Across' proposed air transportation services are unchanged from the U.S.-Mexico services that it has performed during the past two years, *i.e.*, air transport services for executives and their guests using small executive jet aircraft.

7. In accordance with the terms of the Air Transport Agreement between the U.S. and Mexico, Across' exemption authority is in the public interest. Across' services satisfy a continuing commercial need and foster business activities and economic opportunities between Mexico and the United States.

WHEREFORE, Servicios Aéreos Across, S.A. de C.V., requests renewal of its authority to engage in charter foreign air transportation of passengers between Mexico and the United States using small aircraft, as set forth herein, and such other relief as may be in the public interest.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Moffett B. Roller".

Moffett B. Roller
Charles M. Greene
ROLLER & BAUER, PLLC

Attorneys for
Servicios Aéreos Across, S.A. de C.V.

December 3, 2021

MODIFICACION A SU PERMISO DE
TRANSPORTE NO REGULAR DE TAXI AEREO
INTERNACIONAL DE PASAJEROS (TAI)



COMUNICACIONES

SECRETARÍA DE INFRAESTRUCTURA, COMUNICACIONES Y TRANSPORTES



AFAC

AGENCIA FEDERALE
DE AVIACIÓN CIVIL

Agencia Federal de Aviación Civil
Dirección General

No. de Oficio 4.1.- 1934

V.S.: 3378-2021.

Ciudad de México, a 23 NOV 2021

Servicios Aéreos Across, S.A. de C.V.
A/C. Linaloe Garduño Bermúdez.
Calle 6, Lote 53, Hangar 14,
Aeropuerto Internacional de Toluca
C.P. 50220

Asunto: Modificación a su permiso de Transporte
no Regular de Taxi Aéreo Internacional
de Pasajeros.

En relación a su escrito recibido vía correo electrónico el día 16 de noviembre del presente, por el que esa empresa en su carácter de permisionaria de un servicio público para operar **TRANSPORTE NO REGULAR DE TAXI AEREO INTERNACIONAL DE PASAJEROS**, desde su base de operaciones en el Aeropuerto Internacional de Toluca, Edo. de México, otorgado mediante oficio No. 4.1.102.306.-10940 de fecha 29 de marzo del 2011, **solicita dar de baja de su equipo de vuelo la aeronave marca Embraer, modelo EMB- 550, Matricula XA-RBG, No. de Serie: 55000040.**

Al respecto, esta Autoridad Aeronáutica, con fundamento en los artículos 3o., fracción VIII, IX, XII y XIII, 49, 51 y 120 de la Ley de Vías Generales de Comunicación; 1o., 3o., 4o., 5o., fracción I, inciso a), 6o., fracciones II, III, III Bis, IV, V, XI, XII, XIII y último párrafo, 7, II, fracción III, 12, 14, 15, 17, 18, 24, 32, 35, 38, 42, 44, 47, fracción IV, 47 Bis, 61, 70, 74, 76, 84 y demás aplicables a la Ley de Aviación Civil, artículo 10 fracción I, II y 28 del Reglamento de la Ley de Aviación Civil y con relación al numeral 8.1, fracción IX del Manual de Organización de la Agencia Federal de Aviación Civil, **procede a modificar la condición SEGUNDA del permiso No. 4.1.102.306.-10940 de fecha 29 de marzo del 2011, a fin de excluir la aeronave en referencia, para quedar como a continuación se detalla:**

EQUIPO AUTORIZADO A OPERAR:

| MARCA Y MODELO | MATRÍCULA |
|----------------|-----------|
| CESSNA 510 | XA-EGL |
| CESSNA 525B | XA-ACR |
| CESSNA 560XL | XA-AEA |

| MARCA Y MODELO | MATRÍCULA |
|----------------|-----------|
| CESSNA 510 | XA-UMS |
| CESSNA 680 | XA-CRS |

| MARCA Y MODELO | MATRÍCULA | No. de SERIE. |
|-----------------------------------|-----------|---------------|
| GULFSTREAM AEROSPACE G-V SP G-550 | XA-SKY | 5293 |
| AIRBUS HELICOPTER EC-130 T2 | XA-GON | 8041 |
| GULFSTREAM AEROSPACE G-V SP G-550 | XA-EAJ | 5267 |
| BELL HELICOPTER 429 | XA-CRO | 57250 |
| EMBRAER EMB- 505 | XA-CSS | 50500335 |
| EMBRAER EMB- 550 | XA-EMB | 55000030 |
| EMBRAER EMB- 505 | XA-BRA | 50500340 |
| EMBRAER EMB- 550 | XA-COS | 55000044 |
| DASSAULT FALCON 2000S | XA-HHF | 737 |
| EMBRAER EMB-550 | XA-FLB | 55000055 |

Boulevard Adolfo López Mateos 1990, Colonia Los Alpes, C. P. 01010, Alcaldía Álvaro Obregón, CDMX.
T: (55) 5723 9300 www.gob.mx/afac





COMUNICACIONES

SECRETARÍA DE INFRAESTRUCTURA, COMUNICACIONES Y TRANSPORTES



AFAC

AGENCIA FEDERAL DE AVIACIÓN CIVIL

Agencia Federal de Aviación Civil
Dirección General

No. de Oficio 4.1.- 1934

V.S.: 3378-2021.

Servicios Aéreos Across, S.A. de C.V.

EQUIPO AUTORIZADO A OPERAR:

| MARCA Y MODELO | MATRÍCULA | No. de SERIE. |
|------------------------|-----------|---------------|
| EMBRAER 550 | XA-JVC | 55000074 |
| BOMBARDIER CL-600-2B16 | XA-SOL | 6111 |
| BELL HELICOPTER 505 | XA-NTN | 65137 |
| EMBRAER EMB-505 | XA-FLA | 50500361 |
| CESSNA 525C | XA-GZZ | 525C0003 |
| CESSNA 680 | XA-CAR | 680-0050 |
| EMBRAER EMB- 505 | XA-BPS | 50500406 |
| EMBRAER 500 | XA-FLE | 50000378 |
| EMBRAER 500 | XA-ABL | 50000387 |

Esta modificación debe apegarse a lo establecido en su permiso No. 4.1.102.306.-10940 de fecha 29 de marzo del 2011.

La empresa deberá presentar su permiso y la presente modificación a las autoridades aeronáuticas de los aeropuertos internacionales que utilicen para salir y entrar a territorio mexicano.

Así mismo, tendrá la obligación de mantener vigente y a bordo de la(s) aeronave(s) la póliza de seguros aprobada por esta Agencia Federal de Aviación Civil, que cubra las indemnizaciones por los daños causados, en términos de lo señalado en las disposiciones legales aplicables de acuerdo a la modalidad de su permiso, considerando su apego a los convenios internacionales y límites territoriales, mencionados en la misma póliza de seguros y en el oficio de aprobación correspondiente; debiendo informar a los pasajeros, tripulantes, personal técnico aeronáutico y demás ocupantes, el alcance y cobertura de los seguros contratados.

Para la operación de lo(s) vuelo(s) internacional(es) que se autoriza(n), esa empresa queda obligada a mantener vigente en todo momento, su Certificado de Operador Aéreo, así como las Limitaciones a dicho Certificado, expedidas por esta Agencia Federal de Aviación Civil, sin cuya vigencia o documento que acredite la misma, no podrá realizar operaciones al amparo del permiso antes citado, con base en la NOM-008SCT3-2002.

Esta modificación causa derechos por \$4,952.00 M.N. (CUATRO MIL NOVECIENTOS CINCUENTA Y DOS PESOS 00/100); de acuerdo al artículo 159, fracción II, de la Ley Federal de Derechos, la cual fue cubierta mediante recibo de pago con No. de folio 657210044802 del 16 de noviembre del 2021.

Atentamente,
El Director General.

Gral. Div. P.A. D.E.M.A. Ret. Carlos Antonio Rodríguez Munguía.

RGG*RMCC*MPDL
c.c.p. Lic. Carlos Morán Moguel.-Subsecretario de Transporte. Para su conocimiento.
c.c.p. Lic. Guillermo Macías Avitia.- Director Ejecutivo de Seguridad Aérea. A.F.A.C.- Presente.
c.c.p. Ing. Pablo Carranza Plata.- Director Ejecutivo de Aviación. A.F.A.C.- Presente.
c.c.p. Lic. Jacobo González Macías.- Director de Desarrollo Estratégico. A.F.A.C.- Presente.
c.c.p. Lic. Héctor Osnaya Flores.- Director del Registro Aeronáutico Mexicano. A.F.A.C.-Presente.

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**CERTIFICADO DE EXPLOTADOR DE
SERVICIOS AEREOS (AOC)**



ESTADOS UNIDOS MEXICANOS
SECRETARÍA DE COMUNICACIONES Y TRANSPORTES
SUBSECRETARÍA DE TRANSPORTE
AGENCIA FEDERAL DE AVIACIÓN CIVIL

CERTIFICADO DE EXPLOTADOR DE SERVICIOS AÉREOS

(AIR OPERATOR CERTIFICATE)

Servicios Aéreos Across, S.A. de C.V.

AOC No. ACW/2011

(Modificación 03)

**Avenida Santa Fe, No. 428, Piso 21
Col. Santa Fe Cuajimalpa, Cuajimalpa de Morelos
C.P. 05348, Ciudad de México**

Responsable general de la operación: Leoncio Javier González Torres

(Operation general manager)

Teléfono (telephone): +52 (55) 5662 3100

Fax: +52 (55) 5662 3100

Correo electrónico(e-mail): javier.gonzalez@flyacross.com.mx

Datos de contacto operacionales

(Operational contact data)

La información de contacto donde se puede ubicar a las autoridades de gestión operacional sin demoras indebidas se proporciona en:

(Contact information where you can locate the operational management without undue delay provided in)

- Sección A6 de las Especificaciones de Operación anexas al presente certificado (Operations Specifications Section A6 attached to this certificate).

El presente documento certifica que **SERVICIOS AÉREOS ACROSS, S.A. de C.V.** ha cumplido con los requerimientos establecidos en la Ley de Aviación Civil, su Reglamento y Normas Oficiales Mexicanas correspondientes vigentes de los Estados Unidos Mexicanos y demás disposiciones aplicables, en razón de lo cual se le expide el presente certificado que le autoriza a realizar operaciones de transporte aéreo comercial de conformidad con dicha Ley, Reglamento, Normas Oficiales Mexicanas y demás disposiciones aplicables, así como con los términos, condiciones y limitaciones previstos en las especificaciones de operación anexas al presente.

El presente certificado es intransferible y salvo renuncia de su titular, a menos que sea suspendido, revocado o cancelado, permanecerá vigente durante la fecha indicada, y en caso de que las condiciones y requisitos que sirvieron de base para su otorgamiento no se mantengan actualizados, éste carecerá de validez.

*The present document certifies that **SERVICIOS AÉREOS ACROSS, S.A. de C.V.** has met the requirements of the Civil Aviation Law of Estados Unidos Mexicanos and related operating regulations and rules prescribed there for the issuance of this certificate and is hereby authorized to conduct commercial air transportation operations in accordance with such operating regulations and rules prescribed there and the term, conditions and limitations contained in the attached Operation Specifications.*

This certificate is not transferable and, unless sooner surrendered, suspended or revoked, shall continue in effect until the indicated date.

EL DIRECTOR EJECUTIVO DE AVIACIÓN


ING. PABLO CARRANZA PLATA

Fecha de emisión (Issue date): 02 de agosto de 2021 (Aug. 2nd, 2021).

Fecha de efectividad (Effective date): 02 de agosto de 2021 (Aug. 2nd, 2021).

Fecha de vigencia (Expiration date): 09 de diciembre de 2021 (Dec. 9th, 2021).

Cualquier modificación en las limitaciones o en los datos del titular del certificado, deberá ser solicitado a la Agencia Federal de Aviación Civil.

Cualquier alteración a este certificado sin consentimiento por escrito de la Agencia Federal de Aviación Civil, será sancionado conforme a lo establecido en la Ley de Aviación Civil.

SERVICIOS AÉREOS ACROSS, S.A. DE C.V.
APPLICATION FOR RENEWAL OF EXEMPTION

EXHIBIT C

Ownership of Servicios Aereos Across, S.A. de C.V.

| Shareholder | Citizenship | Shares | Percentage |
|------------------------------------|-------------|----------|------------|
| Aero ACS, S.A. de C.V. | Mexican | 687,021* | 99.9927% |
| Fernando Espinosa Abdala | Mexican | 39** | 0.0567% |
| Pedro Andrés Corsi Amerlinck | Mexican | 10** | 0.0014% |
| Francisco De Paula Hernández Weber | Mexican | 1** | 0.0001% |

* Variable capital / ** Fixed capital

Aero ACS, S.A. de C.V.

| Shareholder | Citizenship | Percentage |
|---|-----------------------|------------|
| EPSOS, LLC | Mexican ^{2/} | 41.73% |
| HFCB, S.A. de C.V. | Mexican | 21.31% |
| Fernando Espinosa Abdala | Mexican | 9.80% |
| Organización Cultiba, S.A.B. de C.V. | Mexican | 8.80% |
| Alejandro Joaquin Marti Garcia | Mexican | 8.44% |
| Banco Invex, S.A. Institucion De Banca Multiple, Invex Grupo Financiero, Como Fiduciario Del Fideicomiso No. F/3702 | Mexican | 4.00% |
| DEJA, S.A. de C.V. | Mexican | 3.40% |
| Pedro Andrés Corsi Amerlinck | Mexican | 2.99% |
| Promociones Naranjo, S.A. de C.V. | Mexican | 0.27% |
| Francisco De Paula Hernández Weber | Mexican | 0.26% |
| Total | | 100.00% |

HFCB, S.A. de C.V.

| Shareholder | Citizenship | Series A Fixed Capital Shares | Series B Variable Capital Shares | Series B % |
|-----------------------------|-------------|-------------------------------|----------------------------------|------------|
| Eugenio Ruben Coppel Luken | Mexican | 99 | 1,006,734 | 25% |
| Marcia Coppel Bernal | Mexican | 0 | 1,006,831 | 25% |
| Rosella Coppel Bernal | Mexican | 0 | 1,006,831 | 25% |
| Ruben Eugenio Coppel Bernal | Mexican | 1 | 1,006,830 | 25% |

Organización Cultiba, S.A.B. de C.V., the owner of 8.8 percent of Aero ACS, S.A. de C.V., is a publically-traded Mexican company. Aero ACS, S.A. de C.V. also holds controlling interest in Transportación Aérea del Mar de Cortés, S.A. de C.V., a Mexican air taxi that holds an exemption from 49 U.S.C. § 41301 in Docket DOT-OST-2014-0165.

^{2/} EPSOS LLC, is a Delaware limited liability company that is wholly-owned by Mauricio Espinosa Garcia, a citizen of Mexico. Since EPSOS is wholly-owned by a non-U.S. citizen, EPSOS is not a "citizen of the United States" within the definition of that term in 49 U.S.C. 40102(a)(15) as applied to limited liability companies by DOT and FAA. "Limited Liability Companies," https://www.faa.gov/licenses_certificates/aircraft_certification/aircraft_registry/media/lcinfo.pdf

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing application of Servicios Aéreos Across, S.A. de C.V., was served upon all parties named on the following Service List via e-mail this 3rd day of December 2021. No indication was received that any transmission by electronic mail had failed.


Carmen Navarro

SERVICE LIST

| | | |
|--|----------------------|---|
| Robert Wirick | American Airlines | robert.wirick@aa.com |
| Daniel A. Weiss | United Airlines | dan.weiss@united.com |
| Christopher Walker Alexander Krulic | Delta Air Lines | chris.walker@delta.com alex.krulic@delta.com |
| Robert W. Kneisley Leslie C. Abbott | Southwest Airlines | bob.kneisley@wnco.com leslie.abbott@wnco.com |
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